

24 July 1947

OGC REVIEW
COMPLETED

MEMORANDUM FOR CAPT. A. H. MCCOLLUM
Asst. Director, ORE

Subject: Employment of Retired Officers

I. The following comments may be useful to your administrative officers in considering retired officers for employment. Restrictions on hiring would not apply to enlisted men, but those on maximum combined salaries normally would. Warrant officers and other unusual situations should be referred to this office for consideration, to protect both the agency and individual.

(1) Officers retired for combat disability or for disability resulting from the explosion of an instrumentality of war, may be employed permanently and may receive their retirement allowance and the pay of civilian position in full.

(2) Officers retired for injury or incapacity incurred in line of duty may be employed, but if they receive retired pay of less than \$3,000 they must waive such part of the retired pay as, combined with their civilian pay, exceeds \$3,000; or if their retired pay exceeds \$3,000, they may elect to take either the retired pay or the pay of the civilian office, but not both.

(3) Officers retired for longevity, or at their own request, or for other reasons apart from those given above, who receive less than \$2500 retired pay, may be employed, but must waive any part of the retired pay which, combined with the pay of the civil office, exceeds \$3,000.

(4) Officers retired for longevity, etc. who receive retired pay of \$2500 or more may not accept appointment to another office. The bar is on the individual, and if employed and paid, he would be personally liable for repayment to the Government of the sum so paid. Temporary appointments however, are not considered offices within the meaning of this prohibition, so that an officer retired for

longevity, receiving more than \$2500 retired pay, may accept a 30 - 60 - or 90 day temporary appointment for a special purpose, or may be taken on as a consultant or on a WAE or WOC basis. He is still subject however, to the \$3,000 per year salary rate. Legislation may eventually allow us to employ any and all retired officers, but meanwhile, temporary appointments of this last category must be strictly controlled and be truly temporary to avoid the possibility of having the position later regarded as permanent, in which case the individual might be liable for repayment of compensation received. We feel that all such appointments should be reviewed by this office for the protection of the individual.

2. We believe the above rulings cover the normal cases arising in this office. We shall be pleased to answer any further questions you may have.

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General Counsel

LRH:emj

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